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8 UNITED STATES DISTRICT COURT
9 WESTERN DISTRICT OF WASHINGTON
10 AT TACOMA

11 COALVIEW CENTRALIA, LLC,
12 a Delaware limited liability company,

13 Plaintiff,

14 v.

15 TRANSALTA CENTRALIA MINING LLC,
16 a Washington limited liability company, and
17 TRANSALTA CORPORATION, a Canadian
18 corporation,

19 Defendants.

NO. 3:18-CV-05639-RBL

DECLARATION OF STEVE I.
SILVERMAN, ESQ.

20 **DECLARATION OF STEVE I. SILVERMAN**

21 I, Steve I. Silverman, under penalty of perjury, declare as follows:

22 1. I have personal knowledge of the matters set forth in this Declaration.

23 2. I am a Founding Member of Kluger, Kaplan, Silverman, Katzen & Levine
24 (“KKS KL”), counsel to Plaintiff Coalview Centralia, LLC.

25 3. I have been practicing law as an attorney licensed in the State of Florida since
26 1985, and have been admitted to practice *pro hac vice* in this action.

1 4. On June 14, 2019, Coalview served its Second Request for Production, seeking
2 four specific categories of documents relevant to the matters at issue in Defendant TransAlta
3 Centralia Mining LLC's ("TCM") Motion for Partial Summary Judgment, simplified as
4 follows: (1) TCM's efforts to repudiate or exit the parties' agreements (Requests 1-5); (2)
5 Coalview's force majeure assertion (relating to the December 2018 dredging incident and
6 subsequent government investigation and K Order) (Requests 6-9); (3) TCM's claim that
7 Coalview is insolvent (Request 10); and (4) Documents supporting TCM's allegations in its
8 Amended Counterclaim (Requests 11-29).
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10 5. In response, TCM raised a host of baseless objections to these relevant requests,
11 and refused to produce any responsive documents.
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13 6. Accordingly, Coalview was forced to file a Motion to Compel (D.E. 197).
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15 7. On October 2, 2019, the Court granted Coalview's Motion to Compel, ordering
16 TCM to produce all non-privileged documents responsive to Coalview's Second Request for
17 Production by October 12, 2019. D.E. 213 at 1.
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19 8. To date, TCM has not produced any additional documents pursuant to the
20 October 2, 2019 Order.
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22 9. It is my understanding that MSHA published its findings online regarding the
23 December 2018 Coalview incident on or about September 4, 2019, listing approximately 46
24 people involved in the investigation, 7 of which were TCM employees, and 11 of which were
25 MSHA employees.
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 10. To date, Coalview has not had an opportunity to notice for deposition or
subpoena any of the non-Coalview employees identified in MSHA's report.

11. Counsel for the parties have been working together with the intention of soon submitting to the Court a stipulated motion seeking to continue the trial date, with a proposed continued trial date in early to mid 2020.

12. Due to TCM's delays and failures to produce documents responsive to Coalview's discovery requests, as well as the parties' intending to seek a continuance of the trial, to date, no depositions have been taken by either party, including regarding the merits of TCM's MSJ.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Signed this 11th day of October 2019.

/s/ Steve I. Silverman
Steve I. Silverman, Esq.